

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5998 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed :
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

P N TEXTILES

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR KR RAVAL for Petitioner

MR SP HASURKAR for Respondent No. 1

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 19/02/2001

ORAL JUDGEMENT

Rule. Mr.Hasurkar waives service of rule on behalf of the respondents.

2. The present petition is filed challenging the order dated 21.3.2000 passed by the appellate committee of the respondent Board in Appeal No.11/ 31. Learned advocate Mr.K.R. Raval for the petitioner pointed out that the petitioner was served with a copy of letter dated 10.5.2000 whereby the petitioner was asked to remain present on 16.5.2000 for hearing of the appeal. In the facts of the case it is clear that order dated 21.3.2000 is passed without hearing the petitioner for which the petitioner was called for by letter dated 10.5.2000.

3. Mr.Hasurkar, learned advocate for the respondent Board is not in a position to dispute this factual aspect of the matter.

4. In view of the above the following directions are given.

As the appellate committee has decided the matter without hearing the petitioner, the impugned order dated 21.3.2000 is hereby quashed and set aside and the appellate committee is directed to hear the matter after granting an opportunity of hearing to the petitioner. Learned advocate for the petitioner requested that memo of this petition may be treated as a representation by the appellate authorities along with additional material which may be produced by the petitioner. The petitioner shall file a copy of this petition before the appellate authority within four weeks from the date of receipt of this order. The appellate authority shall decide the representation within six weeks from the date of receipt of such representation after giving an opportunity of hearing to the petitioner and shall communicate the decision by Registered Post Acknowledgment Due.

Learned advocate for the petitioner submitted that he has deposited a sum of Rs.62,243/-. It goes without saying that the same will be subject to adjustment in the fresh order.

5. The petition is allowed with the aforesaid directions. Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

(Ravi R. Tripathi, J.)
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